

HB 0835

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1                                   A bill to be entitled  
 2           An act relating to Indian River County; providing for the  
 3           relief of Debra Smith, Pamela Hughes, Michael Truitt, and  
 4           Charles Hughes; authorizing and directing the Indian River  
 5           County School Board to compensate them for the death of  
 6           their father, Sammie Lee Hughes, due to the negligence of  
 7           the school board; providing for payment of attorney's fees  
 8           and costs; providing an effective date.

9  
 10           WHEREAS, on Monday, January 25, 1999, at approximately 3:30  
 11           p.m., a school bus driver employed by the Indian River County  
 12           School District ran a stop sign at the intersection of 45th  
 13           Street and 66th Avenue and collided with a truck driven by  
 14           Sammie Lee Hughes, and

15           WHEREAS, the impact sent the truck careening into a  
 16           drainage ditch, killing Mr. Hughes, and

17           WHEREAS, as a result of this accident, several injured  
 18           parties filed legal actions, and

19           WHEREAS, Debra Smith and Pamela Hughes, as co-personal  
 20           representatives of the estate of Sammie Lee Hughes, filed suit  
 21           in the Circuit Court of the 19th Judicial Circuit in and for  
 22           Indian River County, Florida (Case Number 99-0656-CA-10), and

23           WHEREAS, in a final judgment dated February 20, 2002, the  
 24           court awarded the sum of \$75,000 to Debra Smith, \$75,000 to  
 25           Pamela Hughes, \$75,000 to Michael Truitt, and \$100,000 to  
 26           Charles Hughes, plus costs in the amount of \$530.72, for a total  
 27           sum of \$325,530.72, and

28           WHEREAS, in October 2002, Mr. Hughes' children and the  
 29           Indian River County School Board reached a settlement agreement  
 30           in the amount of \$300,000, and

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31 WHEREAS, the maximum amount that may be awarded under  
 32 section 768.28, Florida Statutes, has already been paid to other  
 33 plaintiffs for injuries suffered as a result of this incident,  
 34 and

35 WHEREAS, recovery of amounts set forth in this act may be  
 36 obtained only through the Legislature's passage of a claim bill  
 37 awarding such sums, NOW, THEREFORE,

38  
 39 Be It Enacted by the Legislature of the State of Florida:

40  
 41 Section 1. The facts stated in the preamble to this act  
 42 are found and declared to be true.

43 Section 2. (1) The Indian River County School Board is  
 44 authorized and directed to compensate Debra Smith, Pamela  
 45 Hughes, Michael Truitt, and Charles Hughes for the wrongful  
 46 death of their father, Sammie Lee Hughes, in the total amount of  
 47 \$300,000, which amount includes statutory attorney's fees and  
 48 costs and shall be paid in three installments in accordance with  
 49 the release and settlement of the claim, with \$150,000 to be  
 50 paid in July 2004, \$75,000 to be paid in July 2005, and \$75,000  
 51 to be paid in July 2006, out of general funds of the School  
 52 District of Indian River County not otherwise appropriated. Each  
 53 installment shall be paid by drawing separate warrants payable  
 54 to Debra Smith, Pamela Hughes, Michael Truitt, and Charles  
 55 Hughes, respectively, on the basis of Debra Smith receiving 23  
 56 percent, Pamela Hughes receiving 23 percent, Michael Truitt  
 57 receiving 23 percent, and Charles Hughes receiving 31 percent of  
 58 each installment.

59 (2) Amounts paid for attorney's fees and costs, as limited  
 60 in accordance with s. 768.28, Florida Statutes, shall be payable

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61 from the first installment in a pro rata share of each of the  
62 claimants.

63       Section 3. This act shall take effect upon becoming a law.